

See Attachment

(18) 10/31

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

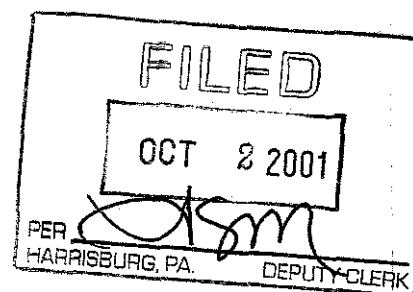
LEVI SLACK, JR.,
Plaintiff

vs.

LEBANON COUNTY CORRECTIONAL
FACILITY, et al.,
Defendants

:
:
: CIVIL ACTION NO. 1:CV-01-0708
:

O R D E R



THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

While temporarily housed at the Lebanon County Correctional Facility ("LCCF") (from February 13, 2001, to April 30, 2001), Plaintiff, Levi Slack, Jr., filed this civil rights action. On July 12, 2001, Defendants filed a motion to dismiss and/or for summary judgment. Various documents, mailed to Plaintiff at LCCF, have been returned to the Clerk of Court marked "RELEASED-LEFT NO ADDRESS."

We are considering the Report and Recommendation of the United States Magistrate Judge, dated August 23, 2001, which recommends that we dismiss Plaintiff's complaint for failing to notify the Court of his change of address after he left LCCF and for failing to prosecute this action. Because Plaintiff provided no forwarding address, one could presume he no longer wished to proceed with this action. It has been determined plaintiff is now

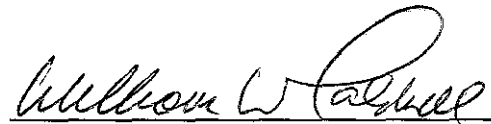
confined at SCI-Greene, and we will provide him with an opportunity to indicate his intentions. If he now desires to prosecute this case, he must, within ten (10) days, file and serve a statement with the Clerk of Court indicating that he wants to oppose Defendants' motion. In that event, we will send him the undelivered documents and grant leave to oppose the Defendants' pending motion.

Accordingly, this 2nd day of October, 2001, it is ordered that:

1. Plaintiff, Levi Slack, Jr., shall have ten (10) days from the date of this Order to file a statement with the Clerk of Court indicating whether or not he wishes to oppose Defendants' pending motion to dismiss. Unless such a statement is received, his Complaint will be dismissed.

2. The Clerk of Court shall mail copies of this Order to Plaintiff at SCI-Greene, 175 Progress Drive, Waynesburg, PA 15370, and to him at Lebanon County Correctional Facility, 730 E. Walnut Street, Lebanon, PA 17042.

3. Plaintiff shall advise the court of any future change of address. Failure to do so will result in a dismissal of this action.



William W. Caldwell
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

October 2, 2001

Re: 1:01-cv-00708 Slack v. Lebanon County

True and correct copies of the attached were mailed by the clerk to the following:

Levi Slack Jr.
CTY-LEB
Lebanon County Prison
MMIP-0227
730 E. Walnut Street
Lebanon, PA 17042

David L. Schwalm, Esq.
Thomas, Thomas & Hafer, LLP
305 North Front Street
Sixth Floor, P.O. Box 999
Harrisburg, PA 17108

SCI Greene
175 Progress Drive
Waynesburg, PA 15370

cc:

Judge	(<input checked="" type="checkbox"/>)	() Pro Se Law Clerk
Magistrate Judge	()	() INS
U.S. Marshal	()	() Jury Clerk
Probation	()	
U.S. Attorney	()	
Atty. for Deft.	()	
Defendant	()	
Warden	()	
Bureau of Prisons	()	
Ct Reporter	()	
Ctroom Deputy	()	
Orig-Security	()	
Federal Public Defender	()	
Summons Issued	()	with N/C attached to complt. and served by: U.S. Marshal () Pltf's Attorney ()
Standard Order 93-5	()	
Order to Show Cause	()	with Petition attached & mailed certified mail to: US Atty Gen () PA Atty Gen () DA of County () Respondents ()
Bankruptcy Court	()	
Other	()	

MARY E. D'ANDREA, Clerk

DATE: 10/2/01

BY: LSM
Deputy Clerk